

MINUTES
FOR THE 2000 REDISTRICTING COMMISSION
FOR THE CITY OF SAN DIEGO
OF
THURSDAY, AUGUST 2, 2001
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairman Pesqueira at 4:13 p.m. Chairman Pesqueira announced that they have been extremely lenient in accepting late speaker slips, but starting Monday that will no longer be the case. Operations Director, Staajabu Heshimu, announced that Patrick Egan from Cain and Mac Donald was present in order to aid in running the software program. Chairman Pesqueira adjourned the meeting at 8:25 p.m. to the next scheduled Redistricting Commission Meeting of August 3, 2001, at 4:00 p.m. in the Council Chambers, 12th floor City Administration Building.

ITEM-1: CALL TO ORDER

Chairman Ralph Pesqueira called the meeting to order at 4:13 p.m.

ITEM-2: ROLL CALL

Operations Director Staajabu Heshimu called the roll:

(C) Chairman Ralph R. Pesqueira-present
(VC) Vice Chairman Leland T. Saito-present
(M) Mateo R. Camarillo-present
(M) Charles W. Johnson-not present
(M) Marichu G. Magaña-present
(M) Shirley ODell-present
(M) Juan Antonio Ulloa-present

REDISTRICTING COMMISSION ACTION: (Tape location: A002-008.)

ATTENDANCE DURING THE MEETING:

- (C) Chairman Ralph R. Pesqueira-present
- (VC) Vice Chairman Leland T. Saito-present
- (M) Mateo R. Camarillo-present
- (M) Charles W. Johnson-not present
- (M) Marichu G. Magaña-present
- (M) Shirley ODell-present
- (M) Juan Antonio Ulloa-present

Also present was:

Deputy City Attorney Lisa Foster
Dave Seyfarth, City Manager's Liaison
Operations Director Staajabu Heshimu

ITEM-3: NON-AGENDA COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Redistricting Commission on items of interest within the jurisdiction of the Commission.

Comments are limited to no more than two minutes per speaker. Submit requests to speak to the Commission's Operations Director prior to 4:00 p.m. Pursuant to the Ralph M. Brown Act, no discussion or action, other than a referral, will be taken by the Redistricting Commission on any issue brought forth under "Non-Agenda Comment."

Speaker 1 Charles McKain

Despite ample testimony establishing the incontrovertible facts that the GLBT communities reflect the racial and ethnic diversity of San Diego as a whole, the term GLBT is not equivalent to white, some speakers have falsely characterized the issues involving District 3 as pitting white GLBT people against people of color. Whether your consultant has clearly stated that all those showing some statistical anomaly city-wide is dated to not present the strong evidence of the threshold elements of the Voting Rights Act violation involving District 3, that would require a mediation under the Supreme's Court redistricting standard. Moreover, with respect to District 3 your consultant concluded there was no racially polarized voting in the white majority census tracts containing high concentrations of GLBT voters. On the contrary there appear to be voting cohesion among white GLBT voters, African-Americans and Latinos. Consistent with that cohesion we should all work together to maintain and strengthen the developing progressive coalition in District 3. Normal Heights, Kensington, and Talmadge are home to many GLBT people and their supporters. Keeping those neighborhoods in District 3 is crucial to the success of that progressive agenda and that progressive coalition. We do not want to disenfranchise anyone. We recognize the districts can never be perfect and we believe we can all live with District 3 in your preliminary map. It is sufficient to satisfy our needs. Indeed the preliminary map, District 3, presents the exciting opportunity to elect a GLBT person of color to the City Council. An election of a non-white GLBT City Council member would be a great step forward for San Diego's GLBT communities and the broader progressive coalition. It's now time for you to act in good faith and to end this process by adopting the preliminary map as your final map.

REDISTRICTING COMMISSION ACTION: (Tape location: A008-071.)

Speaker 2 Alex Bragado

I am the President of the City of San Diego Filipino-American Employees Association. I just wanted to share some information as far as our organization is in favor of placing Mira Mesa and Penasquitos in the same council district. Asians and Filipinos will have a greater say in that district and also in the City as a whole. I know you've heard a lot of information, but I just want to provide some information as far as the diversity of the council member themselves. I am familiar with the City of San Diego. Where I work, there is an emphasis on diversity. If we have a diverse work force we can better meet the needs of the customers, understand their needs and be more sensitive to those needs. I would submit that be the same for policy makers on the Council. If we can have a diverse Council with different perspectives as a group, we can meet the needs of citizens. I was

taking a look at some of the numbers as far as the Census 2000 ethnicity and the number of Mayor and Council. I just want to do this real quick. The ethnicity of white, Census of 2000, is about 49 percent. We have nine members, so right now, if we were looking at 49 percent of the Council being white it would be four or five members; Hispanic would be two, Asian-Filipino would be one, African-American would be one. Out of all those groups right now, Asian-Filipino is the one category where there is not a member on the Council. So I would urge you to consider combining Mira Mesa, Penasquitos to give Asian-Americans a greater say in our community.

REDISTRICTING COMMISSION ACTION: (Tape location: A072-097.)

Speaker 3 Patty Vaccariello

Yesterday, I spoke about networks, and that there are successful networks that exist in City Heights across boundary lines. Many speakers have given examples illustrating that the people who live in our distinct neighborhoods had success in using the political system to their advantage, and as a result some long neglected areas are finally receiving the attention that they deserve. My specific example related to the seven neighborhoods who participated in the Euclid Avenue revitalization action program. Then we heard from another network in City Heights, the Alliance for African Assistance. I understand there's been some question from the Commission how or if these networks can work. You may not understand how or why these networks work, but they do. Part of that success is twofold. One, the amount of community outreach that goes on. The first community meeting that was the basis of the Euclid Rap. The different neighborhoods went door-to-door inviting people to come and handed out flyers. Just as our neighbors in Fairmount Village did for the school site issue. Just as our neighbor Jose Lopez does in Fox Canyon with his newsletter. There was translation provided at that first meeting for our Hispanic and Somalian neighbors. The second reason these networks work is our common issues and concerns are what unite us despite our varied backgrounds. The desire to improve our communities is what motivates us. The majority of people who turned out to these meetings had not been active in the community before. We got the opportunity to listen to them and interact with them. I'm asking you to listen to City Heights and respect our request to keep our boundaries intact. We realize we're asking you to do something that other communities have not. Although, you may not understand it that is what works for us. A speaker from outside the community recently told the City Council if you look up the community in the dictionary you'll find the words City Heights. I hope you can also see that we are already a unified community.

REDISTRICTING COMMISSION ACTION: (Tape location: A098-122.)

Speaker 4 Fred John Monroe III

This evening I thought I would speak as to what it is I saw yesterday afternoon, and one of the things that sort of touched me was with Commissioner Mr. Ulloa. You had concerns with what to do with the neighborhoods of Kensington, Talmadge, and Normal Heights. As a resident of that area, I feel that with your questioning as to what to do with us, it would be important to come here and be able to answer any type of questions you had as to what type of alliances that we have with City Heights. City Heights is distinct. It is made up of 16 neighborhoods. Kensington, Talmadge, and Normal Heights are 3 out of those 16. People want to know what type of alliances that we have with them. We share many borders with those different neighborhoods. We sat and oversaw what was going on with that particular project in I-15. We also worked with the business improvement district that runs along El Cajon Boulevard, and we share our southern boundary with the El Cajon Boulevard. We also work with the maintenance assessment district, the City Heights Redevelopment Project Area, our historic corridor, and the Euclid Avenue revitalization program. All share the southern border of Kensington, and Talmadge. A lot of times people are looking at what are the borders and how we would best be served with District 7. When I look at District 7, I'm separated from my neighborhood to the north by a canyon. To the east it is Colwood. These are two canyons that actually separate us from District 7. All other sides of us to the south and to the west we share with our neighbors of City Heights.

REDISTRICTING COMMISSION ACTION: (Tape location: A123-148.)

Chairman Pesqueira inquired if City Heights were to be moved into District 3 could he explain to the Commission what would be the negative impact.

REDISTRICTING COMMISSION ACTION: (Tape location: A149-152.)

Mr. Monroe: It is a difficult thing to get into because what you're talking about is looking at the different networks and groups that actually come together and be able to unify and be separated at the same time. I think the negative impact would come from the improvements. You talk about an area that could possibly be disenfranchised, and what we have done in our neighborhoods is to be able to sit there and say what is in the common interest of us all. It doesn't just necessarily impact what is happening in City Heights when we are looking at these improvements. We see the improvements as going beyond our own borders. When you talk about incorporating all of City Heights into one particular area, you are saying that we should only concentrate within these borders. When we are looking at our borders, we are seeing we share borders with District 7 and District 4. We are seeing we can actually outreach into the other neighborhoods. When you then define how our boundaries will be, you are limiting the voice of what is going on in those areas. Furthermore, having the ability to actually go to three

council members rather than one gives us a more united front. If I just go to my current council member, I'm speaking to one person. What we currently have--if I have something that is going on--let's use an example of the Euclid Avenue and Home area. We are not just talking to one particular person. We are not just talking about improvements in one particular area. We are not talking about just benefitting one district, but benefitting District 3, District 4, and District 7. We are talking about a community that not only stays within City Heights, but also goes into two other districts. I think that is what people are missing. We are not talking about just District 3. We are talking about being able to have an impact, not only within our own neighborhood but into our surrounding neighborhoods. By eliminating that ability to communicate effectively and by having us in those different neighborhoods you are limiting the voice that we have in the communities that surround us. We don't have the ability to tap into the assets that are needed for those areas. A lot of what people see as being derogatory issues with the 16 neighborhoods are things that have been neglected by the City of San Diego. It is the individuals that reside in those 16 neighborhoods that have said we are not going to tolerate minimum standards of any council member. Because of our layout, because of our demographics, because of the boundaries that we currently have, we can see that we can go not only to District 3, District 7, and District 4 and express how do we better the entire area. What are the benefits that can draw from all of those communities as a whole. I think that is a difficult concept for people who don't live in that area to grasp. To be disenfranchised is to limit the power that people have, and I hear that is what you want to be able to provide for the individuals that live in these 16 neighborhoods.

REDISTRICTING COMMISSION ACTION: (Tape location: A153-237.)

Chairman Pesqueira explained there is a possibility of a protected class issue that might be able to help particular ethnic groups to perhaps select a member of their own group.

REDISTRICTING COMMISSION ACTION: (Tape location: A238-242.)

Mr. Monroe: It doesn't appear to me that there is one group of a minority that is predominantly excluded from what is going on. I think when or if you were to go down to the 16 neighborhoods of City Heights you would see how these neighborhoods actually work together as a uniformed movement. It is not just to the benefit of one individual it's to the benefit of all us who live there regardless of race, religion, or sexual orientation. I think what you currently have is an anomaly and what you are trying to create is something that is standard. My side deals specifically with Kensington and Talmadge, and currently in the preliminary map that you guys have we stay within that area. When I see alternative maps coming from other individuals it is removing the neighborhoods of Kensington, Talmadge, and Normal Heights out of that area. It is my concern that individuals that don't necessarily live within the boundaries of what it is that we are calling City Heights don't understand the dynamics and the make-up, and the intricate relationships that we have created in our neighborhoods that provide an environment and provide a voice that is

probably one of the strongest of all the council districts. I think that it is imperative that people understand that, that is the voice that we wish to retain.

REDISTRICTING COMMISSION ACTION: (Tape location: A243-343.)

Mr. Ulloa asked if the portions of City Heights that are in District 7 and District 4 also benefit from the efforts of the three districts resulting in improvements that occur in District 3.

REDISTRICTING COMMISSION ACTION: (Tape location: A344-354.)

Mr. Monroe: The benefits that you are talking about like the library, the police station, the community center physically are within District 3. The buildings are in District 3, but the money and the development of those particular buildings that you are talking about were actually worked on by both and are shared by all of the individuals that live within that area. They benefit much more than just where those buildings actually stand.

REDISTRICTING COMMISSION ACTION: (Tape location: A355-389.)

Speaker 5 Kevin Davis

I want to present and review some of the reasons against changing what is in the preliminary map. All of the residents who live in the affected areas that you are proposing to move in the alternative map are against the move. People in the District 7 part of City Heights have not said join us with District 3, and I haven't heard people who live in Kensington, Talmadge, or Normal Heights say move us to District 7. It would also change the existing working relationships that people have. As you've heard so well, people in City Heights work very well with the three districts that they have currently. People in Kensington, Talmadge, and Normal Heights work very well with our structure in District 3. We also heard a lot that putting City Heights in one district would be a drain on that district in terms of money and also in terms of resources. There is a lot of redevelopment projects going on, and it would tie-up the time of that council member to deal with all of City Heights. They would have to neglect the rest of the district. You have to provide justification for making any moves and the Voting Rights Act as Mr. Cain reported does not require you to make this change. All of the people who live there are opposed to it. I think it will also harm the GLBT community in District 3.

REDISTRICTING COMMISSION ACTION: (Tape location: A390-437.)

Speaker 6 Jess Durfee

I am a resident of the University Heights neighborhood. I am here as the President of San Diego Democratic Club, an organization that has served GLBT communities for the past 26 years. This past weekend we had our Gay and Lesbian pride festivities, and during that time our club gave participants of the festival an opportunity to sign a petition, which I'm here to present to you. It is addressed to the San Diego Redistricting Commission. It states as undersigned citizens of San Diego we ask the Commission to keep the 3rd District as configured in the preliminary map presented at the public hearings. It is important that the GLBT community be treated as a community of interest and that the communities with high concentration of GLBT voters in Hillcrest, North Park, University Heights, Normal Heights, Azalea Park, Kensington, Talmadge and South Park remain in the 3rd District. There are over 250 signatures here, and I want to present those to you now.

REDISTRICTING COMMISSION ACTION: (Tape location: A438-461.)

Speaker 7 Kim Paul

I come before this Commission as a concerned resident of Talmadge, an American-Asian, and a lesbian to show my support for the communities with District 3. I specifically wish to speak strongly in favor of the boundaries defined in the preliminary map for District 3. The City Heights activists in their desires to uphold the current City Heights boundaries and voting rights for the LGBT. As a civil servant working for the federal government I transferred to San Diego from Los Angeles less than five years ago. I initially spent four months in temporary housing in La Jolla. Though a desirable, affluent neighborhood, La Jolla seemed to lack a strong sense of community. This is something that I found in Talmadge. Talmadge and the other older communities that comprise District 3 not only offers a strong community spirit but charm and character. They offer a diverse environment and culture for everyone. They hold the promise of neighborhoods filled with care and respect. They give myself and my partner, my mother who moved in a few years back, and neighbors, one of whom is over 80 years old and an original Talmadge resident, a warm sense of home and neighborhood. While those are only a few special characteristics of the older communities of District 3. Another unfortunate trait these older neighborhoods share is a problem of aging infrastructure, an issue which is addressed in District 3. In closing, I would like to express my support for the boundaries defined in the preliminary map and strongly urge the Commission to hear the voices that make-up the communities in District 3.

REDISTRICTING COMMISSION ACTION: (Tape location: A462-498.)

Speaker 8 Doug Case

The process which the Commission initially embarked upon was a commendable one. You went out into each district to listen to input and you drew a preliminary map. It was kind of a rough draft based on that input. Then you took that rough draft back out to the communities to get feedback and to see how it might be refined. In the 7th District dozens of community leaders asked you to retain the southern boundary of District 7 the way it currently exists. The Commission also created and distributed an alternative map. You might use it if your consultant determines that a Voting Rights Act violation exists. The consultant has indicated that there is no legal necessity enforcing all of the City Heights communities into one district. Residents of City Heights of all ethnicity have spoken overwhelmingly and passionately asking to keep their districts the way they are. I hope you respect their rights to self-determination. Yesterday, there was a varied map presented to you. I applaud the goal of maximizing the empowerment of protected classes. I believe incidently with the modification of that map it is possible to still keep all of the areas with a high concentration of GLBT voters in the 3rd District. My concern, however, is that this map is a radical departure from the preliminary map presented to the public. It completely abolishes the entire 7th District as it currently exists and spreads all its communities into four separate council districts. To adopt this map or a similar version in the 11th hour without going back into those communities would be an egregious act of bad faith and would virtually ensure a device of referendum and negate all the good work of this Commission. Your preliminary map was a good map moving forward for the benefit of all San Diego.

REDISTRICTING COMMISSION ACTION: (Tape location: A499-590.)

Ms. Magaña made comments regarding the percentage and advantage of having three council members representing one district.

REDISTRICTING COMMISSION ACTION: (Tape location: A591-B049.)

CONSENT ITEMS

ITEM-4: APPROVAL OF COMMISSION MINUTES

Approval by Common Consent of Commission Minutes for the meeting of July 9, 2001.

REDISTRICTING COMMISSION ACTION: (Tape location: C197-C199.)

ACTION ITEMS

ITEM-5: CONSULTANT'S REPORT AND ANALYSIS OF VOTING PATTERN

Several of the Commissioners questioned Consultant Bruce Cain from Cain and Mac Donald via teleconferencing on issues related to the possible Voting Rights Act impact in the City Heights area.

REDISTRICTING COMMISSION ACTION: (Tape location: B050-C196.)

Speaker 1 Michael Sprague

Exactly 99 out of 100 have told you that they do not want to be divided. Ninety-nine percent is usually considered a pretty strong majority. There have been a few people that have consciously tried to do something that was good-natured. The majority of people who have stood here and asked you to unite City Heights are what we commonly refer to as poverty pimps. They are people who want the money of City Heights. When we were in one council district if we had a million dollars of reinvestment we were incredibly happy. In the last ten years since being divided into three, we have gotten one half billion dollars in reinvestment. Half a billion dollars and people tell us we don't know what we are doing. That's a little strange. If you are going to ask a question about City Heights, I would appreciate it if you would ask a resident of City Heights. The population you are talking about in the 7th District of City Heights is actually moving 2,362 registered voters, but you're taking 13,562 voters out of District 3. You are taking 2 to 1 majority of Democrats out of District 3 and putting them into District 7. That area of District 7 is the most conservative area of District 7, and family values, and the rights of women. It is the most conservative area of District 7, and you are suggesting moving it into District 3. There is not a compatibility there. There is an incredible lack of compatibility.

REDISTRICTING COMMISSION ACTION: (Tape location: C200-252.)

Chairman Pesqueira inquired about the term given to that particular region. How did these 16

communities come together and decide that they would be represented under City Heights.

Mr. Sprague: It was an anti East San Diego effort because of the negatives associated with East San Diego. The City of San Diego told Mid City they have to divide into 4 planning group areas, and come up with a name for themselves.

Mr. Ulloa expressed concern in the networking of the organizations and how much of those efforts benefit the neighborhoods in District 7. Buildings themselves do not reflect, necessarily, revitalization in a neighborhood. Other people could be taking advantage of those structures, but what are the benefits that those neighborhoods of District 7 accrue as a result of all the networking.

Mr. Sprague: A good example was when Judy McCarty made the decision to put up half of the CDBG money regardless of where the police station ends up. It did not matter if it is District 3, 4, or 7. She said she would put up half the money. That is a police station that serves everybody. There was no concern about what council district it ended up in. I don't think you will find many council districts that would be willing to do this.

Mr. Ulloa wondered if the neighborhoods in District 7 were receiving their fair share of the money in the infrastructure improvements. Regardless of the fact that it is in another district, does District 7 in fact get the recognition and the efforts of their work as the other neighborhoods in District 3 or 4.

Mr. Sprague: In my opinion absolutely, yes. Everywhere you look there are tangible results.

Mr. Ulloa inquired that there was testimony involving money generated through CDBG funds that were not being used in those census tracts generating those funds.

Mr. Sprague: The people that came to you and said that the money was not going into District 7; this is not true. The money was not going to their particular agency, and what they want is to get themselves more money. They were not reflecting this community, they are not residents of this community, and they have done nothing to help our community.

Mr. Ulloa asked if the neighborhoods of City Heights in District 7 are receiving their fair share of the resources.

Mr. Sprague: Absolutely.

REDISTRICTING COMMISSION ACTION:

(Tape location: C253-445.)

Speaker 2 Michael Aguirre

I would like to say publicly right now after watching public policy discussed for 25 years in San Diego that this is the finest discussion of public policy issues at this level of sophistication. One of the things that I have enjoyed the most in watching your deliberations is watching how the advice that has flowed to you has been very specific from Bruce and very precise, and very honest. It has opened up areas of examination and evaluations. I do think you have clarified things. The question is who's vote are you going to dilute. The gay community says we don't want to be divided. They recognize that if they are divided then they are going to be weaker. Their vote will be diluted. At the same time, you hear an argument saying let's divide the minority community. If you divide the minority community, they will be stronger. I don't think that works. I think that you have to recognize that you are going to be diluting somebody's vote. What principals are you going to use to make the decision, and how much of the vote are you going to dilute. You have a situation in which you have Normal Heights which is not exactly the same community of interest as is Talmadge and Kensington. Those three areas do not fit in with District 7. The same is true with the areas on the eastern fringe of the minority communities. They do not fit in District 7 either. Someone is going to be isolated into District 7. There is no way to rationalize your way out of it. The demographics of this area are obviously changing, and people of color are becoming greater in number. That is what the future is going to be. As someone who has represented the minority communities, I don't want to see us build our strength on the backs of other groups who are working just as hard and have a strong moral argument to be a protected class. How can you do the least amount of harm to the gay community as well as the minority community. There I say share the pain and send a symbolic message in what you do about where we are going. The minority communities are going to grow. Maybe you split a census tract and maybe you put some of Talmadge into District 7, and you put a percentage of the eastern area of the minority communities into District 7, but not as much of it. The reason for that is that the gay community's future politically is directly tied to their ability to represent or be a part of a group that represents the minority communities which are going to be growing. The best advice I can offer you is to do something symbolic. Do not overlook the Asian community in San Diego. I think there is a way to do something. I think you ought to take some time to unify Asians in communities of interest.

REDISTRICTING COMMISSION ACTION: (Tape location: C446-583.)

Speaker 2 Kevin Davis

I wanted to pass this out. I had it certified so you know it was accurate information. I am failing to see how anyone can see a correlation between race and the election results that came out of this 2000 primary for mayor. People in Rancho Penasquitos do not have the same opinions as people in Sherman Heights. I think that is the same that happened in this election. The people in the 4th District are strongly supportive of Mr. Stevens and he got the highest number of votes there. I don't see any racial correlation here and so I believe what Mr. Cain saw as racial correlation was perhaps more regional correlation. That is what I wanted to say in this document.

REDISTRICTING COMMISSION ACTION: (Tape location: C584-615.)

Ms. Foster shared some "random thoughts" concerning the Voting Rights Act. Ms. Foster wanted to make it clear that there is not a strong Voting Rights Act claim based on the preliminary map posed to Mr. Cain. She mentioned there are a number of variables that come into play. One of the things that causes confusion is that some of the factors stated in Mr. Cain's report look really strong. They are isolated factors. The courts are very clear when looking at the court cases. She clarified that every factor needs to be present in order to have a Voting Rights Act claim. Ms. Foster stated close is only good in horseshoes and hand grenades. It does not work for the Voting Rights Act. There are some factors that are strong, and maybe significant from a discretionary point of view, but not from a legal point of view.

Ms. Foster summarized certain variables and inherent statistical problems for making a Voting Rights Act claim. She also went on to state that there are a lot of variables that really result in a conclusion that would be very problematic for her to take a stand that mandated taking certain action. Ms. Foster clarified that there is a line of cases in the 1990's where the courts consistently stated something that has been very controversial. In this process you can consider race too much when you don't have a Voting Rights Act situation. Ms. Foster reminded the Commission to be mindful of the record being made coming into the final meetings. Ms. Foster wrapped up her comments by touching on another area of legal risk, the referendum issue.

REDISTRICTING COMMISSION ACTION: (Tape location: C616-D181.)

**ITEM-6: RECEIPT OF REDISTRICTING MAPS SUBMITTED FOR
CONSIDERATION BY COMMISSION**

Ms. Heshimu assisted Mr. Eggan with the presentation of the maps submitted for consideration on the software. The Commissioners then proceeded to review and discuss all of the maps and the statistics. The Commissioners commented on the negatives and positives for each of the

maps submitted by the public. In the end, the Commissioners rejected each of the submitted maps for various reasons, returning to the preliminary map for further examination and adjustments.

REDISTRICTING COMMISSION ACTION: (Tape location: D182-F185.)

ITEM-8: ADJOURNMENT

Chairman Ralph Pesqueira adjourned the meeting at 8:25 p.m.

REDISTRICTING COMMISSION ACTION: (Tape location: F186-F188.)

Ralph Pesqueira, Chairman
2000 Redistricting Commission

Gilbert Sanchez
(OCA)Legislative Recorder I